

REMARKS

At the outset, Applicant wishes to thank the Examiner for the courtesy of a telephonic interview on April 27, 2010. The participants in the interview included Primary Examiner Hope A. Robinson and Sarah J. Fashena, Ph.D. (Agent for Applicant). During the course of the interview, claim language was discussed to place the claims in condition for allowance. In particular, clarifying language to define aspects of claims pertaining to fusion proteins was discussed. The Examiner's clarifying comments with respect to claim language are greatly appreciated.

Claims 1, 6-7, 9-16, 18-20, 29-30, and 41-42 are pending. Claims 1, 6-7, 9-16, 18-20, 29-30, and 41-42 are amended herein to clarify the subject matter recited therein. New claim 43 is submitted herewith. Accordingly, instant claims 1, 6-7, 9-16, 18-20, 29-30, and 41-43 are presently under consideration.

Support for amendment to the claims is found throughout the specification and in the original claims. More particularly, support for amendment to claim 1 is presented, for example, in original claims 1 and 11 and at page 7, line 26 through to page 8, line 2. Support for amendment to claims 6-7 and 9-16 is found, for example, in previously presented claims 6-7 and 9-16 and support cited during the course of prosecution. Support for amendment to claims 18-20 is found, for example, in original claim 19 and at page 11, lines 1-13. Support for amendment to claims 29-30 and 41-42 is found, for example, in previously presented claims 29-30 and 41-42 and support cited during the course of prosecution. No issue of new matter is introduced by the amendments to the claims.

Support for new claim 43 is found throughout the specification and in the original claims. More particularly, support for new claim 43 is presented, for example, in original claim 18 and at page 11, lines 1-9. No issue of new matter is introduced by the amendments to the claims.

Claim Objections

Claims 1, 6-7, 9-16, 18, and 29-30 are objected to for the presence of informalities. In that the claims are amended herein in accordance with the Examiner's suggestions, Applicant

believes that the objections have been addressed and may be withdrawn.

Rejections under 35 USC § 112

Claims 1, 13-14, 18-20, 29-30, and 41-42 are rejected under 35 USC § 112, first paragraph, for containing subject matter which is allegedly not described in the specification in such a way as to convey that the inventor was in possession of the claimed invention at the time of filing. In view of the amendments to the claims, the rejection, as it applied to claims 1, 13-14, 18-20, 29-30, and 41-42, is respectfully traversed.

In light of the clarifying amendments to the claims and support presented in the specification, Applicant maintains that the instant claims are sufficiently described by the specification. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 13-14, 18-20, 29-30, and 41-42 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement.

Claims 1, 13-14, 18-20, 29-30, and 41-42 are rejected under 35 USC § 112, first paragraph, for containing subject matter which is allegedly not enabled by the specification. In view of the amendments to the claims, the rejection, as it applied to claims 1, 13-14, 18-20, 29-30, and 41-42 is traversed.

In light of the clarifying amendments to the claims and support presented in the specification, Applicant asserts that the instant claims are enabled by the specification. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 USC § 112, first paragraph.

Claims 13-14 are rejected under 35 USC § 112, second paragraph, for alleged indefiniteness. The claims are amended herein, as directed, to replace “The” with “An”. Accordingly and in view of the amendments to the claims, the rejection, as it applied to claims 13-14, is respectfully traversed.

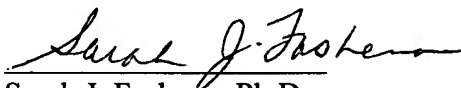
Fees

No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overpayment.

Conclusion

It is submitted, therefore, that the claims are in condition for allowance. No new matter has been introduced. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. In the event that there are any questions concerning this amendment, or application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,



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Enclosures: Petition for One Month Extension of Time